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13 *Certificates*

9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 THE BANK OF NEW YORK MELLON FKA
12 THE BANK OF NEW YORK, AS TRUSTEE
13 FOR THE CERTIFICATEHOLDERS
14 CWALT, INC., ALTERNATIVE LOAN
15 TRUST 2006-OC7, MORTGAGE PASS-
16 THROUGH CERTIFICATES,

17 Plaintiff,

18 vs.

19 FIDELITY NATIONAL TITLE GROUP,
20 INC.; CHICAGO TITLE INSURANCE
21 COMPANY; CHICAGO TITLE AGENCY
22 OF NEVADA; DOES I through X; and ROES
23 XI through XX,

24 Defendants.

Case No.: 2:21-cv-00351-APG-DJA

**STIPULATION AND ORDER TO
CONTINUE STAY OF CASE**

25 Plaintiff, The Bank of New York Mellon FKA The Bank of New York, as Trustee for the
26 Certificateholders CWALT, Inc., Alternative Loan Trust 2006-OC7, Mortgage Pass-Through
27 Certificates (“Plaintiff”) and Defendants Fidelity National Title Group, Inc., Chicago Title
28 Insurance Company and Chicago Title Agency of Nevada (“Defendants”, and with Plaintiff, the
“Parties”), by and through their undersigned counsel, hereby stipulate as follows:

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1 This matter involves a title insurance coverage dispute wherein Plaintiff contends, and
2 Defendants disputes, that the title insurance claim involving an HOA assessment lien and
3 subsequent sale was covered by the subject policy of title insurance. There are now currently
4 pending in the United States District Court for the District of Nevada and Nevada state courts
5 more than one-hundred actions between national banks, on the one hand, and title insurers, on the
6 other hand. In virtually all of these actions, the title insurer underwrote an ALTA 1992 or ALTA
7 2006 loan policy of title insurance with form 1 coverage, along with the CLTA 100/ALTA 9
8 and/or CLTA 115.2/ALTA 5 Endorsements.

9 The Nevada Supreme Court recently heard oral argument on April 11, 2023 in two appeals
10 involving similar coverage issues, *PennyMac Corp. v. Westcor Land Title Ins. Co.*, Nevada
11 Supreme Court Case No. 83737 (District Court Case No. A-18-781257-C) (“*PennyMac*”) and
12 *Deutsche Bank Nat’l Trust Co. v. Fidelity Nat’l Title Ins. Co.*, Nevada Supreme Court Case No.
13 84161 (District Court Case No. A-20-820307-C) (“*Deutsche Bank*”). The matters have been
14 taken under submission and orders remain pending. The Parties anticipate that the Nevada
15 Supreme Court’s decisions in the foregoing appeals may touch upon issues regarding the
16 interpretation of policy and claims handling, that could potentially affect the disposition of the
17 instant action.

18 Accordingly, the Parties believe an additional stay of sixty (60) days in the instant action
19 will best serve the interests of judicial economy. The Parties request that the action be stayed for
20 an additional sixty (60) days, through and including, September 25, 2023. The Parties are to
21 submit a Joint Status Report on or before September 22, 2023. The Parties further agree that this
22 stipulation and stay of this case is entered based on the specific circumstances surrounding this
23 particular case, and that this stipulation shall not be viewed as a reason for granting a stay in any
24 other pending matter.

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